

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-1880

Date: August 19, 2004

Applicant: Rob Clapp

Address of Property: 2627 California Street Northeast

Contact Person and Phone: Rob Clapp, (612) 508-6350

Planning Staff and Phone: Tanya Holmgren, (612) 673-5887

Date Application Deemed Complete: July 27, 2004

End of 60 Day Decision Period: September 25, 2004

End of 120 Day Decision Period: November 24, 2004

Ward: 3 **Neighborhood Organization:** Concerned Citizens of Marshall Terrace

Existing Zoning: R2B, Two-family District

Proposed Use: Reestablish a platted lot.

Proposed Variance: A variance to reduce the required lot area from 5,000 sq. ft. to 4,860 sq. ft. (2.8%) to allow for the re-establishment of a platted lot.

Zoning code section authorizing the requested variance: 525.520 (2)

Background: The subject property is the combination of two platted lots (Lot 21 and Lot 22) that total 81 ft. x 120 ft. (9,720 sq. ft.). The applicant is proposing to reestablish a platted property line to allow for the construction of a new single-family dwelling. The lot area requirement for a single-family dwelling in the R2B District is 5,000 sq. ft. This requirement may be varied up to 30 percent. The applicant is proposing a 2.8 percent variance. The above referenced variance applies to Lot 22 or 2627 California Street Northeast, which is 40.5 ft. x 120 ft. (4,860 sq. ft.). This lot consists of an existing detached garage on the property. The applicant is proposing to move the existing detached garage to 2623 California Street Northeast to meet the parking requirement for the single-family dwelling. The Department of Community Planning and Economic Development – Planning Division has not received a site plan that reflects the propose location of the garage. The garage will need to be located in accordance with district setbacks.

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Lot area: The applicant is seeking a variance to reduce the required lot area from 5,000 sq. ft. to 4,860 sq. ft. (2.8%) to reestablish a platted lot. The applicant states that they are reestablishing an original platted line and that the lots are the original platted sizes. Strict adherence to the regulations would not allow for the reestablishment of the platted lot to allow for the construction of a new single-family dwelling, which is a reasonable use of property in the R2B District. The Department of Community Planning and Economic Development – Planning Division believes that the new lot is consistent with the adjacent platted lots on the block and surrounding streets.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Lot area: The conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant. The lot is 4,860 sq. ft. in area and was originally platted that size. The property is zoned R2B, Two-family district. The applicant would need to acquire an additional 140 sq. ft. of land to allow for the construction of a new single-family dwelling on the subject site without a variance. It would be difficult to acquire additional property without affecting the adjacent properties, because the lots are all similar in size. The Department of Community Planning and Economic Development – Planning Division does not believe the original platting of the property that established the lot size is a circumstance created by the applicant.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Lot area: The Department of Community Planning and Economic Development – Planning Division believes that granting the variance is in keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding neighborhood as the property is being returned to the original platted size that is consistent with other platted lots in the area. Granting the variance will not be injurious to the use or enjoyment of other property in the vicinity as the properties will be similar in size to surrounding properties and will be providing parking on each new lot.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Lot area: Granting the lot area variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed variance be detrimental to the public welfare or public safety, because each of the lots will be providing parking on site.

Recommendation of the Department of Community Planning and Economic Development - Planning Division:

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the finding above and **approve** the variance to reduce the required lot area from 5,000 sq. ft. to 4,860 sq. ft. (2.8%) to allow for the re-establishment of a platted lot subject to the following conditions:

1. The applicant submit confirmation from Hennepin County that two (2) separate PID numbers have been created prior to the issuance of a building permit.
2. That applicant submit a site plan that confirms the detached garage is re-located in compliance with the required district setbacks.